

**IN THE UNITED STATES**  
**FEDERAL COMMUNICATIONS COMMISSION**

<b>IN THE MATTER OF</b>	)	
	)	
<b>REQUEST FOR REVIEW AND</b>	)	
	)	
<b>WAIVER BY AUTAUGA COUNTY</b>	)	<b>DOCKET NO. 96-45</b>
	)	
<b>BOARD OF EDUCATION</b>	)	<b>DOCKET NO. 02-06</b>
	)	
<b>OF DECISION OF UNIVERSAL</b>	)	
	)	
<b>SERVICE ADMINISTRATOR</b>	)	

**FILED WITH:**

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**FILED ON BEHALF OF:**

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## **INTRODUCTION**

COMES NOW the Autauga County (Alabama) Board of Education (“the Board”) respectfully requesting that the Federal Communications Commission (“the FCC”) review an April 5, 2007, decision of the Universal Service Administrative Company (“the USAC”) which dismissed the Board’s appeal which it had filed after being denied funding for Funding Year 2006-07 by the Schools and Libraries Division (“the SLD”) of the USAC. In support thereof, the Board submits the following.

## **THE BOARD’S INTEREST**

Since Funding Year 2003-2004, the Board has received funding under the E-Rate program administered by the SLD. In what the Board considered a routine filing to renew its request for continued funding through the program, on approximately February 15, 2006, the Board filed Form 471 seeking funding for Funding Year 2006-2007. Because of an erroneous date reference made by the Board in completing the form, the SLD denied the Board’s request for E-Rate funding. Should this decision stand, the Board would endure significant financial hardship and be hindered from providing needed technology to students across the county.

## **FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

On November 8, 2002, in accordance with 47 C.F.R. § 54.504(b)(1), the Board submitted to the SLD a completed FCC Form 470 bearing Application Number 391 180000427826 (hereinafter referred to as “Form 470 No. 1”). (Exhibit 1.) This form, which sought a vendor to provide “Internet Access” and referred prospective bidders to a Request for Proposals (“RFP”) on the Board’s website, marked the beginning of the Board’s request for competitive bids. Pursuant to 47 C.F.R. § 54.504(b)(3), on November 8, 2002, the SLD posted Form 470 No. 1 on its website.

For reasons that cannot be recalled by persons familiar with this process, the Board soon thereafter filed a second Form 470 with the SLD. Specifically, on December 4, 2002, the Board

filed a completed FCC Form 470 bearing application number 176610000439134(hereinafter referred to as “Form 470 No. 2). (Exhibit 2.) Form 470 No. 2 sought a potential vendor capable of supplying services in the broader category of “Telecommunications Services,” and again referred possible bidders to an RFP found on the Board’s website.

The RFP referenced in Form 470 Nos. 1 and 2<sup>1</sup> set forth the Board’s technological needs, as well as setting forth certain procedural rules and regulations for a prospective bidder to consider. (Exhibit 3.) Among these rules, in Section I Paragraph 5 of the RFP, the Board provided that the contract would have a specific duration of one year, but also reserved the Board’s right, if it remained satisfied with the performance of its vendor, to renew the contract “for up to three additional years with a yearly periodic review.” (2002 RFP, Section 1, Paragraph 5, at 3.)

On approximately February 4, 2003, two days before the funding window for Funding Year 2003-2004 closed, the Board formally voted to award the contract to Contact Network, Inc., d/b/a InLine Connections (“InLine”). (Exhibit 4.) That same day, after awarding the contract to InLine, in accordance with 47 C.F.R. § 54.504(c), the Board filed a completed FCC Form 471 bearing application number 371493. (Exhibit 5.) The SLD agreed to fund the Board for Funding Year 2003-2004. (Exhibit 6.) Subsequent to the awarding of the contract, on April 1, 2003, the Board and InLine executed a service order which scheduled all installation of equipment to be completed by June 31, 2003 and provided that service would commence at that time and

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<sup>1</sup>Although the RFP appears to apply to the Form 470 No. 1, mostly because it requests “Internet Access” services, a thorough review of the content of the entire document indicates that it could have applied equally to either of the Form 470s filed during late 2002. The Board takes no position as to the Form 470 to which the RFP corresponds. Because all FCC regulations were complied with in the filing of each Form 470 and 471, and the time period from the filing of each Form 470 to the awarding of the contract was not appreciably significant, the Board contends that properly determining the correlation between the RFP and a particular Form 470 is irrelevant to the issue of the Board’s entitlement to relief.



terminate on June 31,2006, after which the service order would automatically extend for an unlimited number of one-year terms. (Exhibit 7.)

In 2004, in anticipation of Funding Year 2004-2005, the Board repeated its request for funding by timely filing another FCC Form 471 bearing application number 419623, which the SLD granted. (Exhibit 8.) The Board again requested funding in 2005, for Funding Year 2005-2006, filing an FCC Form 471 bearing application number 469801, which was again granted by the SLD. (Exhibit 9.)

On approximately February 15,2006, the Board filed yet another Form 471, bearing application number 502044, seeking funding for Funding Year 2006-2007. (Exhibit 10.) On question 18 of Block 5 of that document, where the Board was asked to state the “Contract Award Date,” the Board accidentally inserted the date “11/15/2005.”<sup>2</sup> On January 23,2007, the date set for releasing a “wave” of funding for Funding Year 2006-2007, the SLD notified the Board that it would not receive any funding for that year. According to the SLD:

“Your explanation of the time lapse between the posting date of the referenced 470 and the contract award date (CAD) failed to assure [the SLD] that you conducted a fair and competitive process and chose the most cost-effective offering with price [as] the primary factor.”

(Exhibit 11.) The “referenced 470” mentioned by the SLD was Form 470 No 2.

The Board appealed the SLD’s decision. In filing the appeal, however, the Board fell behind in submitting the appeal, which was postmarked, and thus filed, as of March 27,2007,

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<sup>2</sup> Although referring to November 15 was clearly a scrivener’s error, it is true that on November 5,2005, the parties purported to enter into a contract renewing the earlier agreement between the Board and InLine. The only relevant effect of this agreement was to extend the date of termination until June 31,2008, after which the parties still would be allowed to renew their agreement for an unlimited number of one-year terms.

one day later than the 60-day time period within which appeals are allowed to be filed.<sup>3</sup>

Consequently, the USAC dismissed the Board's appeal, presumably as moot.<sup>4</sup> (Exhibit 12.)

From that decision the Board now appeals the USAC's decision, and by extension, the SLD's underlying decision, to the FCC.

### **QUESTIONS PRESENTED**

1. Whether, in light of the FCC's recent *Friendship House* decision, the FCC should waive the filing deadline under which the Board's appeal was dismissed.
2. If so, whether, in light of the FCC's *Bishop Perry* decision, the Board's insertion of an erroneous contract award date should have affected the Board's request for funding.
3. If so, whether, in light of the FCC's *Adams County* decision, the Board was entitled to seek funding for Funding Year 2006-2007 without engaging in a competitive bid process.

### **STANDARD OF REVIEW**

"Requests for review of Administrator decisions that are submitted to the Federal Communications Commission shall be considered and acted upon by the Wireline Competition Bureau." 47 C.F.R. § 54.722(a). "The Wireline Competition Bureau shall conduct de novo review of request[s] for review of decisions issue[d] by the Administrator." 47 C.F.R. § 54.723(a).

### **STATUTORY/REGULATORY BASIS OF RELIEF SOUGHT**

The Board seeks an order from the FCC waiving the strict 60-day deadline for filing an appeal on the authority of *Friendship House*. The Board additionally requests that under the same ministerial error exception, as exemplified in *Bishop Perry*, the FCC review the SLD's

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<sup>3</sup> Although March 27 was actually 63 days after January 23, the law ignores deadlines concluding on a "holiday" (which, by definition, includes weekends), instead allowing the first business weekday following such deadline to serve as the actual deadline. 47 C.F.R. § 1.4(e) & (j). March 26, 2007, was a Monday and the first business weekday after the technical deadline had been reached on Saturday, March 24.

<sup>4</sup> Each of the documents submitted to the FCC were completed by Board employees with other responsibilities and who are not FCC practitioners.

decision and direct it to award funding to the Board for Funding Year 2006-2007 despite the Board's clerical error. Finally, the Board wishes to answer, in advance, the potential objection that the Board should be denied funding because of its failure to reopen the competitive bid process. The Board contends that the above-mentioned relief would be consistent with the spirit and purposes of Section 254(h) of the Telecommunications Act of 1934, as amended.

### **SUMMARY OF ARGUMENT**

The Board appeals the decision of the USAC on the basis that its appeal, although one day late, should have been considered under the FCC's guidance in its *Friendship House* decision. The Board also appeals the SLD's underlying decision to deny funding. The SLD denied funding to the Board after a Board employee committed a minor error in completing one of the forms necessary to obtain funding. Rather than giving the Board an opportunity to correct this error, the SLD summarily denied funding. The FCC's recent decision in *Bishop Perry* suggests that the SLD should have afforded the Board the opportunity to correct this error. Finally, the Board seeks to preemptively alleviate any concerns that the FCC may have in reviewing this appeal that the Board has otherwise disqualified itself for the relief sought by renewing a contract with its supplier without first reopening the competitive bid process. The Board contends that it is entitled to have the merits of its appeal considered and that it should have received funding from the SLD for Funding Year 2006-2007.

## ARGUMENT

Although it is universally axiomatic that “rules were made to be followed,” it is likewise well settled that rules often have exceptions. Such is the case not only with substantive rules of law, but often with certain procedural rules as well, particularly where the elevation of form over substance frustrates the essential purpose of the framework under which those rules were devised. In this case, the Board’s appeal was dismissed by the USAC in a strict application of a procedural rule. More to the point, had its appeal not been dismissed, the Board likely would have prevailed on the basis of the recent FCC decisions. In short, the Board contends that the dismissal of its appeal and, before that, the denial of its request for funding, were improper decisions which contravened recent FCC decisions.

### ***The Bishop Perry Decision***

In *Bishop Perry*, the FCC granted nearly 200 appeals taken from decisions reached by the SLD. *In the Matter of Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al.*, 21 F.C.C.R. 5316 (F.C.C. 2006). The Order addressed potentially-meritorious applications for E-Rate funding denied by the SLD for “clerical or ministerial errors in the application.” 21 F.C.C.R. 5316, 5316. Per *Bishop Perry*, the SLD was required to grant a “limited waiver” of the FCC’s rules for entities filing applications for E-Rate funding. 21 F.C.C.R. at 5317. Acknowledging that certain aspects of its order “depart[ed] from prior precedent,” the FCC observed that the procedural nature of the rules was a factor mitigating in favor of a somewhat relaxed approach to the anomalies in the E-Rate applications. 21 F.C.C.R. at 5319-20. Moreover, the FCC explained, the purpose of Section 254(h) directing the FCC to “‘enhance ... access to advanced telecommunications and information services’” for schools and libraries was furthered by allowing the procedural variances contemplated by the order. 21 F.C.C.R. at 5320.

Of the various classes of E-Rate applicants covered by the FCC's *Bishop Perry* order, one group is particularly worthy of further examination. The FCC directed the SLD to grant a waiver to E-Rate applicants who had "made a mistake ... that prevented them from filing on time ... the application" for funding. 21 F.C.C.R. at 5322. The FCC observed that the individuals completing Form 471 applications for funding held primary jobs such as "school administrators" and "technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants." 21 F.C.C.R. at 5323. "Given that the violation at issue is procedural, not substantive," stated the FCC, "we find that the complete rejection of these applications is not warranted." *Id.* Finally, the FCC observed that allowing these not-quite-procedurally-compliant applications to be reviewed did not evidence "waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements," and it noted that the denial of funding "would inflict undue hardship on the applicants." *Id.* Thus the FCC concluded that "rigid compliance" with application procedures did not "further the purposes of Section 254(h) or serve the public interest." *Id.*

The FCC did not establish a rule by which errors in these applications were to be ignored in perpetuity, however. It created a "safe harbor" period in which applications filed subsequent to the decision could be corrected within fifteen days of receiving notice of a defect from the SLD. 21 F.C.C.R. at 5326. Thus the FCC's decision in *Bishop Perry* balanced the interests of funding meritorious applications without giving future applicants endless iterations in which to perfect their application for such funding.

**1. The Principle of the FCC's Recent *Bishop Perry* Decision, as found in *Friendship House*, Justifies the Waiver of the Appeal Deadline for the Board's Appeal.**

On December 4, 2006, the Wireline Competition Bureau ("the WCB") issued an order in *In the Matter of Requests for Waiver of Decisions of the Universal Service Administrator by Friendship House, Scranton, Pennsylvania, et al.*, 21 F.C.C.R. 14,146 (F.C.C. 2006) (hereinafter

referred to as “*FriendshipHouse*”). In *Friendship House*, the WCB granted a request to review the SLD’s decision to deny E-Rate funding. In that case, the appellant had appealed the SLD’s decision, but had accidentally filed its appeal one day late. 21 F.C.C.R. 14,146, 14,148 (F.C.C. 2006). The WCB stressed at the outset that it regards appeal deadlines, more than most procedural deadlines, as singularly necessary “to provide finality in the decision-making process,” and explained that a waiver of such deadlines are allowed “only in limited, compelling situations.” 21 F.C.C.R. at 14,149. In fact, the WCB cited prior decisions holding that even such unfortunate circumstances as “employee illness, staff failure to perform a job properly, or a misunderstanding of the rules” failed to constitute sufficiently special circumstances warranting the waiver of an appeal deadline. 21 F.C.C.R. at 14,149-50.

Despite these stringent precedents, the WCB chose in *Friendship House* to waive this deadline. The WCB drew a key distinction between the case before it and prior cases unsuccessfully seeking waiver through allegations of circumstances such as illnesses and misunderstanding of rules. Specifically, the WCB explained that “missing the appeal filing deadline by one day is akin to a ministerial error.” 21 F.C.C.R. at 14,150. In support of this proposition, the WCB cited the FCC’s *Bishop Perry* decision, discussed above. *Id.* n. 28. In addition, although implied as a secondary factor, the applicant operated a mental health institution providing special education for children who had been neglected, abused, abandoned, or suffered other emotional disturbances. Ultimately, however, the proximity of the filing to the passed deadline seemed to be the primary factor, as the WCB observed in noting that denying funding because the applicant “missed the filing deadline [for its appeal] by one day would create undue hardship.” 21 F.C.C.R. at 14,150.

The instant case bears strong similarity to the situation of the applicant in *Friendship House*. Like that applicant, the Board missed the appeal deadline by exactly one day. Moreover, *Friendship House* likened this barely-late filing to the ministerial errors recounted in *Bishop*

*Perry*. As discussed above, *Bishop Perry* observed that many of the errors it addressed were attributable to the fact that the individuals completing funding requests on behalf of applicants did not hold “positions dedicated to pursuing federal grants,” but were instead technology coordinators and teachers. Here, the Board’s E-Rate applications were completed by an individual named Nathan Turner, who is described in the Board’s various FCC Form 470 applications as a specialist in information technology, and indeed his position is to serve as a coordinator for the county’s technology programs, not to **seek** federal dollars. Finally, of course, this case resembles *Friendship House* in that a denial of funds would visit substantial hardship upon the Board, primarily by jeopardizing the Board’s ability to continue providing schoolchildren with the technological infrastructure and services so fundamental to this universal service program. Applying *Friendship House*, and by extension the principles of *Bishop Perry*, to this case leads to the conclusion that the short time frame between the deadline for appeals and the actual filing of that appeal constituted a “ministerial error” which justifies waiver of the appeal deadline for the Board. For these reasons, the Board strongly urges and requests that the FCC waive the appeal-filing deadline given the mere one-day delay in filing this appeal.

**2. The Board Committed a Minor Error Which Did Not Entitle the SLD to Deny the Board’s Application for Funding.**

In past years, when completing Form 471, the Board had listed February 4, 2003 as the original contract award date. In completing Form 471 for Funding Year 2006, the Board erroneously stated the Contract Award Date as November 15, 2005.<sup>5</sup> Although this was the only noticeable change in the way the Board completed its 2006 Form 471, it likely marked a sea change in the way that the SLD would evaluate the funding application. What had once been

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<sup>5</sup> Even presuming that the November 5 document purporting to renew the agreement were treated as effective and valid, the spirit of the FCC’s regulations and decisions, particularly the *Adams County* decision mentioned below, indicate that a renewal is decidedly different from the “award” of a contract. An award can only occur after a bidding process, a renewal is permitted in the interim period between contracts being awarded.

a very reasonable gap of less than three months between the posting of a Form 470 –during which the Board had solicited competitive bids – and the date stated as the Contract Award Date had now, on paper, mushroomed to a gap of approximately 3 years. Functionally, nothing had changed. Because of the significant chronological gap between the Form 470 and the new purported “contract award date,” however, it is likely that the SLD automatically “flagged” the application and, based only on the information presented in the Form 471, concluded that the manner in which the contract was “awarded” lacked the hallmarks of a competitive bid process. That is, based on the vast length of time which passed between the two dates, the SLD could have inferred that the Board had allowed the competitive bid process to drag on for more than three years while it “held out” for a particular vendor to come along.

Although the Board obviously lacks absolute certainty of the occurrence of the scenario suggested above, the Board believes it is not unreasonable to speculate that something akin to this occurred. As noted, the stated basis on which the SLD denied funding was that there was an unacceptable “time lapse between the posting date of the referenced 470 [November 8, 2002] and the contract award date (CAD) [November 15, 2005].” Because the documentation clearly does not support the existence of too little time passing – the duration from the Form 470 No. 1 until the contract award date was approximately 88 days – the SLD’s reference to a “time lapse” must have referred to too large a gap between the Form 470 and the contract award date. Had the SLD researched the matter further, the Board is confident that the SLD would have discovered its own history of funding the Board’s annual requests and would have realized that the Board had simply renewed an existing contract.

In *Bishop Perry*, the FCC clearly decided that minor clerical errors should not entirely foreclose review of a contract to determine whether the applicant should receive funding. Although the Board believes that the explanation of its error as set forth in this appeal will result in the SLD’s deciding to award funds to the Board for 2006-2007, this particular argument is



limited to the notion that the Board simply deserves to have its application considered on **an** equal basis with all other applicants, and that the minor, clerical nature of the Board's misstatement of the correct contract award date should not have been the deciding factor in whether the SLD chose to fund the Board.

Finally, the Board notes that under *Bishop Perry*, applicants were given fifteen days to correct defects in their applications. 21 F.C.C.R. 5326-27. However, applicants were expected to make such corrections after being notified of their errors, and given an opportunity to correct them. *Id.* In this case, the SLD did not provide any sort of notification that the Board had potentially erred in filing its Form 471, but instead the SLD flatly denied funding. The Board therefore had no mechanism, other than appeal, by which to correct any defects. The Board would welcome an opportunity from the SLD, whether compelled by the FCC or of its own initiative, to correct its application to state the correct contract award date.

### **3. The Board Was Not Yet Required to Reopen the Competitive Bid Process**

Although the Board is confident that the above analysis demonstrates the merit of awarding it funding for Funding Year 2006-2007, it nonetheless wishes to take this opportunity to clarify, at the outset, that it has in no way disqualified itself for such funding by renewing the contract with InLine without first reopening the competitive bid process.

47 C.F.R. § 54.504(a) requires that applicants for funding engage in a competitive bid process before receiving funding from the SLD. 47 C.F.R. § 54.511(c) provides that throughout the duration of an effective signed contract, the applicant need not reopen this bid process. Ignoring certain exceptions inapplicable in the present situation, however, subsection 54.511(d)(1) *makes* subsection (c) inapplicable once a contract has terminated and the parties **seek** to voluntarily extend or renew existing contracts. The clear import of these provisions is that contracts may specify a period of effectiveness, during which the applicant may continue its contractual relationship with the chosen supplier of telecommunications services. Upon the

termination of that contract by its terms, however, when the only way to continue the efficacy of the contract is to voluntarily renew or extend it, the applicant must reopen the competitive bid process and solicit bids anew; it may not simply renew or extend the contract with the original bidder until after conducting an appropriate bidding process.

In 2002 and 2003, after filing Form 470 Nos. 1 and 2, the Board engaged in a competitive bidding process, at the end of which it executed a contract with InLine. That contract stated that it would expire on June 31, 2006, but provided that upon termination, it would “automatically extend for one (1) year periods with either Party having the right to terminate the Agreement by giving Sixty (60) days prior written notice to the other party.” As of the date on which it filed a Form 471 for Funding Year 2006-2007, the Board had not reopened the competitive bidding process or filed a subsequent Form 470.

Based solely upon the rules promulgated by the FCC, then, it would seem at first blush that to remain eligible for funding without interruption, the Board needed to reopen the bidding process and solicit bids in time to file its 2006 Form 471 on or before February 16, 2006. The FCC, however, has recognized an exception to this rule. According to the Commission’s recent order in *In the Matter of Requests for Waiver of the Decision of the Universal Service Administrator by Adams County School District 14, Commerce City, Colorado, et al.*, [File Nos. SLD-425151 425211 425303 425352 426285 et al., Mar. 28, 2007] 1 \_\_ F.C.C.R. \_\_, available at 2007 WL 952111 (F.C.C. 2007) (hereinafter referred to as “*Adams County*”), the FCC stated:

“To ensure that applicants are in compliance with our competitive bidding rules, applicants must file a new FCC Form 470 when the existing contract ends. When contracts expire at the end of the original term, the applicant must post a new FCC Form 470 for services provided beyond the contract expiration date. An applicant does not need to post a new FCC Form 470 each year when it has a multi-year contract or when exercising a contract’s voluntary renewal provision *if the applicant indicated that it was seeking a contract with those terms when it originally filed the FCC Form 470.*”

*Adams County*, \_\_ F.C.C.R. at \_\_\_, 2007 WL 952111 at \*2 (footnotes omitted; emphasis added).

In other words, the FCC in *Adams County* made clear that an applicant could forego the competitive bidding process in renewing or extending a contract, even when that renewal or extension was purely voluntary, if the applicant had somehow “indicated that it was seeking a contract with those terms” when it filed its Form 470. Those cryptic words were decoded by the FCC’s footnote referring to a webpage operated by the Universal Service Administrative Company (“the USAC”) and posted to guide applicants for funding.<sup>6</sup> That webpage states the following, in pertinent part:

“To comply with FCC competitive bidding requirements, the applicant should indicate in its Request for Proposals (RFP) ... its intent to enter into ... a contract *that includes voluntary extensions*. ...

“If an applicant has a contract with voluntary extensions for which it has filed a Form 470, it cannot extend the contract beyond its original expiration date without posting a new Form 470 and considering all bids received, *unless voluntary extensions were indicated in ... the RFP.*”

USAC Website, Contract Guidance,

<<http://www.universalservice.org/sl/applicants/step04/contract-guidance.aspx>> (Emphasis added.)

From the information on this webpage, combined with the FCC’s language in *Adams County*, the FCC appears to have adopted a rule of review by which it will look to see what, precisely, the applicant advertised in soliciting competitive bids. According to the FCC’s statement in *Adams County* and the information on the USAC’s website to which the FCC referred, then, an applicant providing notice in its solicitation for bids that it intends to offer a contract for a set period but reserving the right to voluntarily extend or renew that period a certain number of times may voluntarily extend or renew contracts into which it has entered,

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<sup>6</sup> The FCC cited this page as <http://www.sl.universalservice.org/reference/contract-guidance.asp>, and stated that it reviewed this page as of February 14, 2007. As of the date this appeal was filed, the address for that webpage had slightly changed, such that the correct new address is <http://www.universalservice.org/sl/applicants/step04/contract-guidance.aspx>.

without reopening the bidding process. *The critical distinction is that such an applicant may engage in voluntary renewals and extensions only so long as they are permitted by the RFP, as opposed to by the contract.*

The Form 470s filed by the Board in 2002 directed prospective bidders to the Board's Internet website to view the Board's RFP. That RFP set forth a specific contract length of one year, and specifically contemplated the possibility that if satisfied, the Board could renew that contract "for up to three additional years." (RFP, Section 1, Paragraph 5, at 3.) Pursuant to the terms of the parties' contract and service order documents, the Board and InLine agreed to a three-year contract running from July 1, 2003 until midnight on June 30, 2006, after which the contract would automatically renew for one-year terms. Under the FCC's approach set forth in *Adams County*, the maximum four-year contractual relationship contemplated in the RFP – one year term, followed by a maximum of three discretionary one-year renewals – would govern the length of time before the Board was required to reopen the competitive bid process.

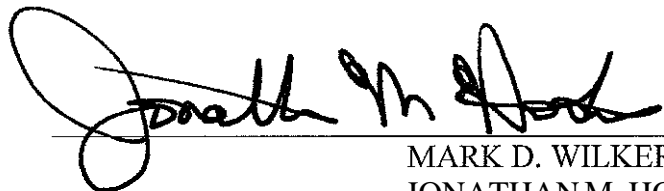
The Board believes that it is wise to note that it has for some time now been operating under the interpretation set forth above. That is, the Board was not simply ignorant about the competitive bid process, but believed that it had an extra year before it was required to reopen that process. In fact, on December 15, 2006, the Board filed with the SLD a Form 470 bearing application number 191160000607672 seeking to reopen the competitive bid process for Funding Year 2007-2008. (Exhibit 13.) This form was filed approximately 39 days before the SLD's January 23, 2007, denial of funding for Funding Year 2006-2007. This sequence demonstrates that the Board was acting in good faith in acting in a manner precisely allowed and recommended by the FCC itself.

Because the FCC, in *Adams County*, stated that an applicant can delay the reopening of the competitive bid process until the end of the period contemplated by its RFP, if applicable, the Board strongly urges the FCC to consider this fact in evaluating the Board's appeal. The Board

contends that it did not commit a serious procedural error by not seeking bids in anticipation of Funding Year 2006-2007.

### CONCLUSION

The SLD denied the Board much-needed technology funding for 2006-2007 on the basis of two minor, “ministerial” errors. Although the Board believes that errors should be tolerated rarely if ever, the Board strongly contends that the *de minimis* nature of the errors described herein may be overlooked. The WCB has opined that an appeal filed a mere day late is too insignificant to summarily dismiss that appeal. The substance of the Board’s appeal is that it committed a minor error by stating an incorrect date as the date on which the contract was awarded. It is the Board’s presumption, given its otherwise appropriate filing, that the SLD denied the Board’s request for funds because of the large gap between the date on which the Board had filed its Form 470s and the date on which the contract was stated to have been awarded. Finally, the Board believes that this large gap explained the SLD’s denial, and that the SLD could not have denied the Board’s application because the competitive bid process was not reopened,

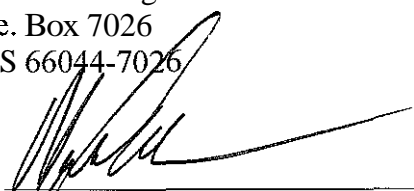


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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on Universal Service Administrative Company/Schools and Libraries Division ("USAC/SLD") by placing a copy thereof, in the United States mail, postage prepaid, on this the 18<sup>th</sup> day of May, 2007.

Universal Service Administrative Company  
Schools and Libraries Program  
Post Office. Box 7026  
Lawrence, KS 66044-7026

  
\_\_\_\_\_  
Att Counsel

## **EXHIBIT 1**

FCC Form

Approval by OMB  
3060-0806**470**

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

### Block 1: Applicant Address and identifications

<b>Form 470 Application Number:</b> 391180000427826
<b>Applicant's Form Identifier:</b> yr 5-internet-470
<b>Application Status:</b> CERTIFIED
<b>Posting Date:</b> 11/08/2002
<b>Allowable Contract Date:</b> 12/06/2002
<b>Certification Received Date:</b> 12/05/2002

<b>1. Name of Applicant:</b> AUTAUGA COUNTY BOARD OF EDUCATION		
<b>2. Funding Year:</b> 07/01/2003 - 06/30/2004		<b>3. Your Entity Number</b> 128073
<b>4a. Applicant's Street Address, P.O.Box, or Route Number</b> 153 W 4TH ST		
<b>City</b> PRATTVILLE	<b>State</b> AL	<b>Zip Code</b> 36067-3011
<b>b. Telephone number</b> (334) 365- 5706		<b>c. Fax number</b> (334) 361- 3828
<b>d. E-mail Address</b> nsturner@mindspring.com		
<b>5. Type Of Applicant</b>		
<input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library) <input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)		
<b>6a. Contact Person's Name:</b> Nathan Turner		
<i>First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box <b>MUST</b> be checked.)</i>		
<b>6b. Street Address, P.O.Box, or Route Number</b>		
<input checked="" type="checkbox"/> 153 W 4TH ST		
<b>City</b>	<b>State</b>	<b>Zip Code</b>



PRATTVILLE	AL	36067-3011
6c. Telephone Number (334) 365- 5706		
6d. Fax Number (334) 361- 3828		
6e. E-mail Address nsturner@mindspring.com		

## Block 2: Summary Description of Needs or Services Requested

**7 This Form 470 describes (check all that apply):**

- a. ☐ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☐ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☐ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 170 in a previous year as an t contract NOT require filing of a Form 470.**

**What kinds of service are you seeking:** Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

**8 ☐ Telecommunications Services**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a ☐ YES, I have an RFP. It is available on the Web at or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

**9 ☐ Internet Access**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

- a ☐ YES, I have an RFP. It is available on the Web at [www.autaugacountyschool.org](http://www.autaugacountyschool.org) or via (check one):  
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Add additional lines if needed.

**10 ☐ Internal Connections****Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?****a ☐ YES**, I have an RFP. It is available on the Web at or via (check one):☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.**b ☐ NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Add additional lines if needed.

**11 (Optional)** Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Title:

Telephone number

() -

Fax number

() -

E-mail Address

**12. ☐** Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

**Alabama state bid law**

**13.** If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

**Block 3: Technology Assessment**

**14. ☐ Basic telephone service only:** If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

**15.** Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

**a.** Desktop software: Software required ☐ has been purchased; and/or ☐ is being sought.

**b.** Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

- c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☒ is being sought.
- d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☒ are being sought.
- e. Staff development: ☒ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☒ training is being sought.
- f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

#### Block 4: Recipients of Service

#### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (a,b or c) that best describes *this* application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

- a. ☒ Individual school or single-site library.
- b. ☒ Statewide application for (enter 2-letter state code) representing (check all that apply):
- ☒ All public schools/districts in the state:
  - ☒ All non-public schools in the state:
  - ☒ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☒ If checked, complete Item 18.

- c. ☒ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	16
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
205	755
334	358, 361, 365
If your application includes INELIGIBLE entities, check here. <input checked="" type="checkbox"/> If checked, complete Item 18.	

#### 17. Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number

LA COUNTY BOARD OF EDUCATION

07.

**18. Ineligible Participating Entities**

**Does your application also seek bids on services to entities that *are* not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):**

Ineligible Participating Entity

Area Code

Prefix

## Block 5: Certification and Signature

**19. The applicant includes: (Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

**20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:**

- a. ☒ individual technology plans for using the services requested in the application, and/or
- b. ☒ higher-level technology plans for using the services requested in the application, or
- c. ☒ no technology plan needed; application requests basic local and/or long distance telephone service only.

**21. Status of technology plans (if representing multiple entities With mixed technology plan status, check both a and b):**

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☒ no technology plan needed; application requests basic local and long distance telephone service only. .

**22.** ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

**23.** ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

**24.** ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

**25.** Signature of authorized person: ☒

**26.** Date (mm/dd/yyyy): 12/05/2002

**27.** Printed name of authorized person: Nathan Turner

**28.** Title or position of authorized person: IT Specialist

**29a.** Address of authorized person:

**City:** State: Zip:

**29b.** Telephone number of authorized person: (334) 365 - 5706

**29c.** Fax number of authorized person: ()

**29d.** *E-mail* address number of authorized person:

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with \_\_\_\_\_ or certification of \_\_\_\_\_ form the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Satisfying Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau at 1-888-203-8100.

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided to or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470  
P.O. Box 7026  
Lawrence, Kansas 66044-7026  
1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046

1-888-203-8100

FCC Form 470  
May 2003

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## **EXHIBIT 2**

FCC Form

Approval by OMB  
3060-0808**470**

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

### Block 1: Applicant Address and Identifications

Form 470 Application Number: 176610000439134
Applicant's Form Identifier: Yr 5 Data Ser 470
Application Status: CERTIFIED
Posting Date: 12/04/2002
Allowable Contract Date: 01/01/2003
Certification Received Date: 12/05/2002

1. Name of Applicant: AUTAUGA COUNTY BOARD OF EDUCATION		
2. Funding Year: 07/01/2003 - 06/30/2004		3. Your Entity Number 128073
4a. Applicant's Street Address, P.O.Box, or Route Number 153 W 4TH ST		
City PRATTVILLE	State AL	Zip Code 36067-3011
b. Telephone number (334) 365- 5706		c. Fax number (334) 361- 3828
d. E-mail Address nturner@mindspring.com		
5. Type Of Applicant		
<input checked="" type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library) <input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)		
6a. Contact Person's Name: Nathan Turner		
First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box <b>MUST</b> be checked.)		
6b. Street Address, P.O.Box, or Route Number		
<input checked="" type="checkbox"/> 153 W 4TH ST		
City	State	Zip Code



PRATTVILLE	AL	36067-3011
6c. Telephone Number (334) 365- 5706		
6d. Fax Number (334) 361- 3828		
6e. E-mail Address nsturner@mindspring.com		

### Block 2 Summary Description of Needs or Services Requested

**7 This Form 470 describes (check all that apply):**

a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.

b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.

c. ☒ Services for which a new written contract is sought for the funding year in Item 2.

d. ☒ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

**NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.**

**What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.**

**8 ☒ Telecommunications Services**  
**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a. ☒ YES, I have an RFP. It is available on the Web at [www.autaugacountyschool.org](http://www.autaugacountyschool.org) or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☐ NO, I do not have an RFP for these services.

**If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity(e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.**

**9 ☒ Internet Access**  
**Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

a. ☒ YES, I have an RFP. It is available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b. ☐ NO, I do not have an RFP for these services.

**If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity(e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internet Access services. Add additional lines if needed.**

**10 ☒ Internal Connections****Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?**

**a ☒ YES**, I have an RFP. It is available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

**b ☐ NO**, I do not have an RFP for these services.

**If you answered NO**, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Internal Connections services. Add additional lines if needed.

**11 (Optional)** Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

<b>Name:</b> Nathan Turner	<b>Title:</b> Information Systems Specilaist
-------------------------------	---

**Telephone number**  
(334) 365 - 5706

**Fax number**  
(334) 361 - 3828

**E-mail Address**  
nsturner@mindspring.com

**12. ☒** Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

**Alabama State Bid Law**

**13.** If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

**Block 3: Technology Assessment**

**14. ☒ Basic telephone service only:** If your ☐ is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

**15.** Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

**a.** Desktop software: Software required ☒ has been purchased; and/or ☐ is being sought.

**b.** Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

- c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.
- d. Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☐ are being sought.
- e. Staff development: ☐ all staff have had an appropriate level of training /additional training has already been scheduled and/or ☐ training is being sought.
- f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

#### Block 4: Recipients of Service

##### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (a,b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

- a. ☐ Individual school or single-site library.
- b. ☐ Statewide application for (enter 2-letter state code) representing (check all that apply):
- ☐ All public schools/districts in the state:
  - ☐ All non-public schools in the state:
  - ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

- c. ☐ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	16
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
205	755
334	358, 361, 365
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18.	

##### 17. Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number
--------	---------------

AUTAUGA COUNTY BOARD OF EDUCATION

128073

**18. Ineligible Participating Entities**

Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity

Area Code

Prefix

**Block S: Certification and Signature****19. The applicant includes: (Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

**20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:**

- a. ☒ individual technology plans for using the services requested in the application, and/or
- b. ☒ higher-level technology plans for using the services requested in the application, or
- c. ☒ no technology plan needed; application requests basic local and/or long distance telephone service only.

**21. Status of technology plans (If representing multiple entities with mixed technology plan status, check both a and b):**

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☒ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 12/05/2002

27. Printed name of authorized person: Nathan Turner

28. Title or position of authorized person: Information Systems Specialist

29a. Address of authorized person:

City: State: tip:

29b. Telephone number of authorized person: (334) 369-5706

29c. Fax number of authorized person: 0

29d. E-mail address number of authorized person:

**Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.**

**Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at [www.sl.universalservice.org/vendor/manual/chapter5.doc](http://www.sl.universalservice.org/vendor/manual/chapter5.doc) or call the Client Service Bureau at 1-888-203-8100.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1936, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

**SLD-Form 470  
P.O. Box 7026  
Lawrence, Kansas 66044-7026  
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD-Form 470  
c/o Ms. Smith  
3833 Greenway Drive  
Lawrence, Kansas 66046**

1-888-203-8100

FCC Form 470  
May 2003

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## **EXHIBIT 3**

## Specifications for Bid # 03-3

Subject: **RFP- for Internet Access**

Purpose:

You are invited to submit a proposal for providing Internet Access via a leased, high-bandwidth Data Distribution System for 16 locations of the Autauga County School District.

Background:

Because of the number of multimedia and interactive learning and information resources available on the Internet today, a means to provide stable, reliable, high capacity Internet access for all schools in the Autauga County School District is very important. Slow or erratic access to valuable information resources is not only a source of frustration; it presents an unwanted distraction to the learning process. A state of the art network that provides equal Internet access capability for all schools is important to ensure that no student is at a disadvantage because of the particular school he or she attends. In addition, rapid access to learning and information resources that are hosted locally within the Autauga County School District network is equally important. Equitable information sharing among schools will foster a greater sense of cooperation and leverage the limited resources that are available. A high-speed distribution system will also reduce the duplication of effort and excessive expenditures required to provide the same resources to multiple schools.

General Requirements:

All school locations shall be connected to the Autauga County Board of Education (ACBOE) offices located at 153 West Forth Street Prattville, Al 36067 where the entry point for Internet access is to be provided. Existing electronic equipment and software shall be considered and integrated into the proposal submitted to the fullest extent possible. Connecting each school with the ACBOE is required. Detailed specifications are included as part of this RFP. Proposals from interested parties (hereafter known as 'The Vendor') shall include all services requested.

This RFP package consists of the following sections:

- I. General Conditions
- II. Detailed Specifications
- III. Autauga County School District Responsibilities
- IV. The Vendor's responsibilities
- V. Proposal Forms

Send proposals and supporting documentation to:

Bid for Internet Access and a Data Distribution Service  
Bid # 03-3  
Autauga County School District  
153 west 4<sup>th</sup> Street  
Prattville, Al 36067

Do Not Fax Proposals. Proposals will be received at Autauga County School District Schools at the address shown above until 16:00 (4:00pm) CST, December 18, 2003. Proposals must be mailed to the address above in time for delivery before the closing date or hand delivered.



Schedule of Events:

Event	Date(s)
Release of RFP to vendors	11/12/02
Bidder's Conference	12/05/02
Deadline for responses to RFP	12/19/02
Evaluation of responses	12/19/02
Selection of Vendor	12/20/02
Implementation starts	07/01/03
Implementation complete	06/30,04

Inquiries

All correspondence and inquiries regarding **this** RFP must be addressed to:

Nathan Turner  
Autauga County Board Of Education  
153 West 4<sup>th</sup> Street  
Prattville, AL 36067

Do Not Fax Correspondence or inquiries. Responses to inquiries will be posted at the Board of Education and mailed to all Vendors attending the bidder's conference.

**Basis of Award:**

1. E-rate approval by the FCC
2. Experience with network installations and with wide area Internet services
3. Proof of certification to ~~install~~ the network and equipment (must be an employee of The Vendor)
4. Comprehensiveness of submitted proposal.
5. Economic and price considerations.
6. References of at least two installations of similar application size and complexity and two or more references of outside/wide area cable installation relating to fiber or other high-bandwidth (greater than 100 Mbps) capable media.
7. Performance bond of at least **5%** of the bid amount.

## **I. General Conditions**

The following are the General Conditions for the work to be performed as outlined in the Detailed Specifications.

**1. Location of Sites:**

The location of the work is on property owned by the Autauga County School District and through negotiated services on right-of-ways. Attachment ~~1~~ lists the address of each location.

**2. Scope of Work:**

It is understood that, except as otherwise specifically stated in **this** RFP, The Vendor shall provide and pay for all materials, labor, tools, equipment, transportation, temporary construction of every nature and all other services and facilities of every nature whatsoever, necessary to execute, complete and deliver *the* work within the specified time. Licenses necessary for the execution of the work shall be secured and paid for by The Vendor.

Any work necessary to be performed after regular working hours, on weekends or legal holidays, shall be performed without additional expense to the Autauga County School District, unless the weekend or holiday work due to a delay caused by the Autauga County School District.

All data sheets and catalogs or other materials which are subject to review and action by the Autauga County School District shall be submitted in the original and not less than three (3) copies in electronic format, preferably on Compact Disc (CD) media.

### 3. Protection in General:

The Vendor shall protect all buildings, furniture, equipment, personal items, trees, shrubs, lawns and all landscaping on school property from damage. Any damaged property shall be repaired or replaced at the Vendor's expense. Labor shall include all restoration (leveling, sodding) of grounds broken up during the installation of **this** network

### 4. Change in Contract:

The Autauga County School District will not be responsible for **any** change in the work involving extra costs unless approval in writing is furnished by the Operations Coordinator before such work is begun.

### 5. Length Of contract

The contract is valid for one year from the date of the issuance of the purchase order. The Autauga County Board of Education has as their discretion and based on vendors performance to review the contract after the first year. Based on those findings the contract can be awarded for up to three additional years with a yearly periodic review.

### 6. Existing Conditions:

The Vendor, in undertaking the work under **this** contract, is assumed to have visited the premises and to have taken into consideration all conditions, which might affect **this** work. The location of the demark shall be in the server closet or another location specified by the Autauga County School District technical personnel. No consideration will be given to any claims based on a lack of knowledge of existing conditions. A site survey of the premises for existing conditions and equipment may be set by contacting Nathan Turner, System Information Specialist, Autauga County School District, email: <mailto:Nathan@autaugacountyschool.org>

### 7. Insurance:

Within ten (10) days after notification of award, The Vendor shall furnish to the Autauga County School District a Certificate of Insurance showing compliance within the following limitations:

- a) The Vendor agrees to comply with the provisions of Worker's Compensation Laws of the State of Alabama.
- b) It shall be stated on every policy or Certificate of Insurance, as the case may be, that "The insurance company agrees that the policy shall not be canceled, changed, or allowed to lapse until ten (10) days after the Autauga County School District has received written notice as evidenced by the return receipt of registered mail, and it is agreed further that as to lapsing, such notice will not be valid if mailed more than fifteen (15) days prior to the expiration date shown on the policy."
- c) The Vendor shall maintain other insurance (with the limits shown below) that shall protect The Vendor and the Autauga County School District from any claim for property damage or personal injury, including death, which may arise out of operations under **this** contract, and the Vendor shall

furnish the Autauga County School District with certificates and policies of such insurance as shown below.

Below is a list of the insurance coverage that must be procured by The Vendor at his own expense. The Vendor agrees to follow instructions indicated in each case:

Autauga County School District Protective Liability Insurance:

- Personal injury, including death, limits of \$1,000,000.00 for each person and \$1,000,000.00 for each accident.

Vendor's Public Liability Insurance:

- Personal injury, including death, limits of \$1,000,000.00 for each person and \$1,000,000.00 for each accident.
- Property Damage limits of \$100,000.00 for each accident and \$500,000.00 for the aggregate.

#### 8. Workmanship

All work shall be performed in a professional manner. Personnel from the Autauga County School District may observe the work procedures and workmanship of the Vendor, but such observation will not relieve the Vendor from any responsibility of performance or constitute acceptance of the work performed.

#### 9. Warranty

The Vendor shall furnish a written warranty that describes the services proposed under these specifications. It is understood that The Vendor is not responsible for the warranty/function of existing equipment already installed at the schools. However, limited troubleshooting of existing equipment or cabling will be provided by The Vendor free of charge to determine if the existing equipment or cabling can be reutilized. The Vendor must also show proof that their employee(s) are certified to install the proposed cabling components and electronic equipment, as assurance that a warranty can be provided.

#### 10. Financing

The Vendor will provide a binding contract to the Autauga County School District for submission to the Schools and Libraries Division. After notification of award from the Schools and Libraries Division, The Vendor will receive a purchase order for the products and services for which The Vendor will be responsible as a result of this RFP. This purchase order will show the amount that is the responsibility of the local school system. The purchase order will be contingent upon approval by the Universal Services Funding Agency. Complete payment to the vendor will be subject to the rules of the Schools and Libraries Division (SLD). This purchase order will constitute a contingent contract between the Autauga County School District and The Vendor. After notification by the Schools and Libraries Division (FCC Fund Administrator) of the acceptance of the Contract, the contingency will be removed and the purchase order will become a legal binding contract between the Autauga County

School District and The Vendor. The purchase order will be the document used to determine the **status** of the contract and will determine the amount of payment by the school system and the FCC Fund Administrator.

#### **11. Application for Payment**

All applications (invoices) for payment shall be submitted to the Autauga County School District according to the Universal Services Fund Regulations

#### **12. Addenda**

Any addenda issued after the issue of **this** RFP shall be covered in the proposal and in closing the contract they shall become part thereof.

If any questions arise within the RFP documents, *the* Vendor may submit to the Autauga County School District, written request for interpretation. Any interpretation of documents will be made by addendum to the RFP. Copies of any addendum will be mailed or delivered to each ~~firm~~ receiving the RFP set of documents. The Autauga County School District will not be responsible for any other explanation or interpretations. The Autauga County School District reserves the right to reject any or all proposals and wave technicalities and informalities.

#### **13. Proposal Submittal:**

One original (paper) and three (3) copies of proposals (in electronic format, preferably CD) must be submitted in a sealed envelope addressed to:

Autauga County Board Of Education  
Bid for Internet Access and a Data Distribution System  
Bid # 03-3  
153 West 4<sup>th</sup> Street  
Prattville, AL 36067

#### **14. Withdrawal of Proposal**

A proposal cannot be withdrawn after it is filed, **unless** the Vendor makes a request in writing to the Autauga County School District prior to the **time** set for the opening of submitted proposals. The Autauga County School District will accept a bid within thirty-five (35) days after the date ~~fixed~~ for the opening of proposals.

#### **15. The Vendor's Qualifications**

The Vendor must submit a copy of a valid low voltage license (Low-Voltage General, Low Voltage Telecommunications or Low-Voltage Unrestricted as issued by the State Construction Industry Licensing Board of Low Voltage Contractors) certificate for all employees of the company. The Vendors must submit a copy of a BICSI (Building Industry Consulting Services International) certified RCDD (Registered Communications Distribution Designer) certificate for an employee of the company or subcontractor.

#### **16. Stored Materials**

Any materials stored on job site shall be the Vendor's responsibility.

#### **17. Specifications**

Complete specification details for all products being proposed must be provided as part of *the* RFP response package (proposal).

#### **18. Time of Completion**

Each vendor shall include in the proposal an estimate of number of calendar days for completion of the contract. Work performed under **this** contract cannot start before 7/1/2003 and must be completed by 6/30/2004.

#### **19. Accident Prevention**

Precautions shall be exercised at all times for the protection of persons (including employees) and property and hazardous conditions shall be guarded against or eliminated.

#### **20. Contract Form**

Upon Contract award and a binding contract signed, the standard written Purchase Order form mailed, or otherwise furnished, to the successful Vendor results in a binding contract contingent on the *funding* approval of the SLD.

#### **21. Indemnification**

The Vendor agrees to hold the Autauga County School District harmless and to indemnify the Autauga County School District for every expense, liability or payment arising out of *or* through injury (including death) to any person or persons or damage to property (regardless of whom the owner may be of the property) of any place in which work is located arising out of or suffered through any act or omission of The Vendor or Subcontractor.

#### **22. The Vendors' Representative**

The Autauga County School District reserves the right, with sole discretion, to refuse to allow any representative of The Vendor to service the contract in any manner. In **this** event, The Vendor shall furnish another representative that is acceptable to the Autauga County School District. Examples of reasons for refusing to allow a Vendor representative to service the contract include, but are not limited to:

- Use of profanity or abusive language around any school personnel or students
- Unclean or unkempt appearance.
- Intoxication or obvious drug use.
- Threatening behavior towards any school personnel or students.

Should the Vendor use subcontractors for portions of the work, the Autauga County School District Schools reserves the right to reject any subcontractor without explanations or recourse by The Vendor or subcontractor.

#### **23. Autauga County School District Regulations**

The Vendor and his representatives shall follow all applicable school district regulations *while* on Autauga County School District property, including the no smoking, no weapons, and drug free policies. No work shall interfere with school activities or environment unless permission is given by the Principal or person in charge. All Vendor personnel shall be easily identified by *the* use of identification badges and uniforms or **shirts** with The Vendor's logo clearly visible.

#### 24. Governing Law

All RFPs and related documents submitted to the Autauga County School District by the Vendor are governed under the laws of the State of Alabama.

#### 25. Comprehensive List of References:

~~All~~ references should include: a contact person, dates of work, mailing address and telephone numbers.

References must include:

- a. Two (2) or more references of installations of similar *size* and complexity **within** the USA and
- b. Two (2) or more references of installations of ~~outside/wide~~ area networks utilizing fiber optic cable or other suitable media capable of **high** bandwidth (~~greater~~ than 100 Mbps).

#### 26. Autauga County School District reserves the right to:

- a. Give ~~full~~ and proper consideration to the service, reputation, product knowledge, and experience of all companies presenting proposals, in addition to bid cost; therefore, low bid cost does not guarantee the awarding of the bid.
- b. Reject any and all proposals if deemed necessary.
- c. Accept any alternative proposal believed to be in the best interest of the school system.
- d. Waive any formality in the bid submission.
- e. Cancel any awarded bid if the service proves unsatisfactory.

#### 27. Price Quotations

Price quotations are to include the **furnishing** of all materials, equipment, maintenance, shipping costs, delivery, installation, drawings and the provision of all labor and services necessary or proper for the completion of the work **as** may be otherwise expressly provided in the Contract Documents. The Autauga County School District will not be liable for any costs beyond those proposed herein and awards. Please be advised that public schools are specifically exempted from the payment of Alabama Sales Tax. This exemption is found in Section **40-23-4 (11)**, Code of Alabama 1975 as amended.

In case of discrepancy in computed proposal prices, the unit price shall govern and the total price shall be revised accordingly.

#### 28. Variation in Quantities and Configuration

The Customer reserves the right to modify quantity and configuration requirements. The Vendor agrees to sell the Autauga County School District the revised quantity of item at the unit price stated in the proposal regardless of quantity changes.

#### 29. Terms of Payment

All terms of payment are to be a minimum of **NET 30** days after the project has been approved and inspected **as** a complete job by the Autauga County School District.

#### 30. Turnkey Solution

All proposals are to provide a turnkey solution for installation of Internet Access and a Data Distribution System. The Autauga County School District agrees to certify acceptance by location to establish an incremental performance baseline. However, the final system installation shall provide the capabilities specified in Section II, Detailed Specifications.

### 31. Longevity of Price Quotation

Any prices quoted in the bid responses ~~will~~ remain in effect until 6/30/2004 (during the initial three years) unless the SLD extends the E-rate funding window.

## II. Detailed Specifications

The specifications provided in this section are intended to convey the characteristics of a system to provide Internet access and the distribution of data to all locations of the Autauga County School District. These specifications were developed to convey the minimum capabilities desired. If your proposal can provide capabilities that exceed the minimum capabilities at a reasonable cost, then provide the details in your proposal. However, if some of the capabilities cannot be met, then provide an alternative solution and justification of why you believe the capabilities you provide will be adequate to ~~meet~~ the intent of this RFP.

### 1. Internet Access

- a. Provide a centralized access point to the Internet at 153 West 4th Street, Prattville, AL 36067 the monitoring of activity, blocking access to prohibited sites and reducing the overall administrative complexity.
- b. Provide a reliable communications link to the Internet with 10 public IP addresses.
- c. Provide a minimum effective data throughput to the Internet of 3 Mbps

### 2. Data Networking

NOTE: All service specified in the following section must be dedicated (not shared) high-speed bandwidth service.

- a. Provide connectivity to all locations listed in Attachment I
- b. Provide connectivity between nodes at speeds of at least dedicated 100 Mbps to each location.
- c. Provide the capability to increase the connectivity speed to 1.0 Gbps without changing the customer premise equipment.
- d. Provide 7 X 24 hour by 365-day management and monitoring of both the infrastructure and the node locations.

### 3. Implementation Planning and Upgrades

- a. Provide a means to limit obsolescence by implementing a network that can be easily upgraded, as new technology becomes available and affordable, to increase network bandwidth capacity.
- b. Provide an all-inclusive, monthly or yearly fixed price for all customer premise equipment installation and maintenance for the life of the contract in order to limit unexpected expenses that are not in the telecommunications budget.

### **III. AUTAUGA COUNTY SCHOOL DISTRICT RESPONSIBILITIES**

#### **1. Access for Installation**

The Autauga County School District will, during the progress of the installation, allow the Vendor and **its** employees access to *the* premises and facilities at all reasonable hours or at such hours as a the Autauga County School District representative and the Vendor agree upon.

The Autauga County School District will provide access to existing conduit or the placement of new conduit if necessary to all work locations, floors, buildings, etc., to support the media installation and provide Vendor access to these adjacent areas where and when required.

#### **2. Heating/Cooling**

Provide heat or cooling when required and general illumination in rooms where work is to be performed by The Vendor.

#### **3. Inspections**

Promptly make inspections when notified by the Vendor that the equipment or any part thereof, is ready for acceptance.

#### **4. Electrical**

The Autauga County School District Schools will provide all electrical needs.

#### **5. Delay in Work**

It is understood that the Vendor will not be held accountable for any delays caused by the Autauga County School District or for any delays caused by the City of Prattville or Autauga County.

### **IV. THE VENDOR'S RESPONSIBILITIES**

#### **1. Provision**

The Vendor must provide all supervision, tools, equipment, hardware and wiring materials as specified; transportation, erection, construction, unloading, inspecting, and keeping inventory as specified in attached contract documents. Whenever in the Contract the terms "provide, furnish, supply, install, etc.", can be interpreted as requiring the Vendor both to furnish and/or install materials, unless specific provisioning/installation of the materials by the Autauga County School District is denoted.

#### **2. Firewalls**

Provide for the installation of all conduits and sleeves through firewalls and application of fire-stopping materials as required to meet codes.



### 3. Ceiling Tiles

Provide for the removal and reinstallation of all ceiling tiles **as** needed. Any broken ceiling tiles will be replaced with equal or better quality of the damaged ceiling tiles.

### 4. Identification

The Vendor will identify to the district any work necessitating cutting into or through any part of the building structure such **as** girders, beams, concrete, tile floors or partition ceilings.

### 5. Permits

The vendor shall obtain *all necessary* county, municipal, and/or state work/building permits. **This** includes any permits that may be needed to gain the right of way for outside fiber pulls.

### 6. Damage

The Vendor ~~will~~ be responsible for repairs of damage to the building, roads, equipment, existing cable, or property. The Vendor will promptly report to a representative of the Autauga County School District any such damage to the building, roads, equipment, existing cable, or property that may occur while performing work in the facilities.

### 7. Installation

Install the wire, cable, and/or associated hardware in accordance with the manufacturer's specifications. All cabling and equipment shall be sufficiently labeled such that the equipment designation or purpose, interconnections and cabling endpoints can be easily determined. All labeling shall correspond with the drawings provided in Item 15 below.

### 8. Test and Inspections

Conduct tests and inspections ~~in~~ the presence of an Autauga County School District technical representative after installation **has** been completed ~~in~~ order that the Autauga County School District may be assured that ~~the requirements~~ for the installation are met.

### 9. Completion Notification

Promptly notify the Autauga County School District designated contact of completion of **this** proposed project.

### 10. Defects

The Vendor will promptly correct all defects for which the Vendor is responsible.

### 11. Autauga County School District Contact

The Vendor must coordinate all work with the Autauga County School District designated contact

### 12. Cleanup

Upon completion of the work each day, the Vendor must remove all tools, equipment, rubbish and debris from the premises and must leave the premises clean and neat.

### 13. Subcontractors

The Vendors may use subcontractors to perform work. However, all responsibilities rest with the Vendor.

**14. Testing**

The Vendor will provide the Autauga County School District with complete detailed test results. The test results must be delivered to the Autauga County School District before payment.

**15. Drawings:**

Upon completion of the installation, the Vendor shall furnish a complete set of drawings, in both paper and electronic format (CD preferred) using either Visio or Autocad file format, showing the design of the infrastructure and the interconnection of all equipment installed. The drawings will also include the location of existing electronic equipment utilized in the new installation.

**16. Warranty**

The Vendor shall describe the appropriate product warranty periods and conditions.

Attachment 1: Autauga County School District School and Office Locations

Prattville High School  
1315 Upper Kingston Rd  
Prattville, AL 36067

Autauga County Board Of Education  
153 West Forth St.  
Prattville, AL 36067

Prattville Junior High School  
1135 Martin Luther King Dr.  
Prattville, AL 36067

Chapter One Center  
131 Washington St.  
Prattville, AL 36067

Prattville Intermediate School  
1020 Honeysuckle Dr.  
Prattville, AL 36067

Transportation Dept  
202 Hughes St.  
Prattville, AL 36067

Prattville Elementary School  
134 Patrick St.  
Prattville, AL 36067

Alternative School  
819 Cardinal Lane  
Prattville, AL 36067

Prattville Primary School  
216 Wetumka St.  
Prattville, AL 36067

Prattville Kindergarten School  
338 First St.  
Prattville, AL 36067

Autauga County Technology Center  
1301 Upper Kingston Rd.  
Prattville, AL 36067

Autaugaville School  
2708 Dutch Bend St.  
Autaugaville, AL 36003

Billingsley School  
2446 County Road 77  
Billingsley, AL 36006

Marbury School  
210 County Road 20 East  
Marbury, AL 36051

Daniel Pratt Elementary School  
420 Harvest Loop  
Prattville, AL 36006

Pine Level Elementary School  
2040 Highway 31 North  
Deatsville, AL 36022

## **EXHIBIT 4**

MINUTES  
AUTAUGA COUNTY BOARD OF EDUCATION  
FEBRUARY 4, 2003

The Autauga County Board of Education met in special session on Tuesday, February 4, 2003, with all members present with the exception of Mr. de Bin. The meeting was called to order at 5:30 p.m. by the vice chairman, Mr. Turner. The invocation was given by Mr. Hollon, followed by the Pledge of Allegiance.

On the recommendation of the superintendent, the cost of providing asphalt (\$9,450) to provide more parking space at Prattville High School was unanimously approved on a motion by Mr. Hollon, seconded by Mrs. Waller. The city will do this work using the city's vehicles and equipment.

The low bid of **\$578,444** for providing Internet service from InLine was unanimously approved on a motion by Mrs. Goodwin, seconded by Mr. Hollon. The breakdown of the cost to the Board of Education is as follows:

One-time set up charge - \$150,000

Board pays approximately \$75,000

E-Rate pays approximately **\$75,000**

Monthly charges – approximately \$11,904 x 36 months

Board pays approximately \$5,952 x 36 months

E-Rate pays approximately \$5,952 x 36 months

Total Bid - **\$578,544**

Board pays approximately \$289,272

E-Rate pays approximately \$289,272

The superintendent inquired if the board would like for him to **go** ahead and have the architects bid the classroom addition at Prattville High School with the stipulation that the project would not begin until approval was given by the plaintiffs in the consent decree. After discussion, it was the consensus of the board that the superintendent **go** ahead with the bid process on this project pending approval of the court.

Mrs. Waller inquired about the number of absences in the schools due to illness and the superintendent replied that absences have been high but are beginning to decrease.

Mrs. Goodwin reported the death from illness of a five-year-old student from Autaugaville School. The superintendent reported that counselors have been offered if needed to work with the Autaugaville students.

There being no further business, the meeting adjourned.

## **EXHIBIT 5**

# Schools and Libraries Universal Service Program Services Ordered and Certification Form 471 Application Display

## Block 1: Billed Entity Information

Applicant's Form Identifier: yr 6 Internet

471 Application Number: 371493

Cert. Postmark Date: 02/04/2003

Out of Window Letter Date: Not applicable

Funding Year: 07/01/2003 - 06/30/2004

Billed Entity Number: 128073

Form Status: CERTIFIED - In Window RAL Date: 02/12/2003

Name: AUTAUGA COUNTY BOARD OF EDUCATION

Address: 153 W 4TH ST

City: PRATTVILLE State: AL Zip: 36067 3011

Contact Name: Nathan Turner

Address: 153 W 4TH ST

City: PRATTVILLE State: AL Zip: 36067 3011

Type of Application: SCHOOL DISTRICT

Ineligible Orgs: N

## Block 3 Impact of Services Ordered in THIS Application

Number of students to be served: 8979

Number of library patrons to be served:

SERVICE DESCRIPTION	BEFORE ORDER	AFTER ORDER
b. High-bandwidth voice/data/video service: How many buildings served before and after your order?	4	4
c. High-bandwidth voice/data/video service: Highest speed to a building before and after your order?	1.5mbps	1.5mbps
f. Direct connections to the Internet: How many before and after your order?	1600	000
g. Direct connections to the Internet: High speed before and after your order?	1.5mbps	30mb
h. Internet access (for classrooms): How many rooms have Internet access before and after your order?	500	500
i. Internet Access: How many computers (or other devices) with Internet access before and after your order?	1600	3000

## Block 4: Worksheets

**Worksheet A No: 484132**      **Student Count: 9154**

**Weighted Product (Sum. Column 8): 5200.1**

**Shared Discount: 57%**

**1. School Name: AUTAUGA COUNTY TECHNOLOGY CENTER**

**2. Entity Number: 39993 3. Rural/Urban: Urban**

**4. Student Count: 531 5. NSLP Students: 122 6. NSLP Students/Students: 22.975%**

**7. Discount: 50% 8. Weighted Product: 265.5**

**1. School Name: AUTAUGAVILLE HIGH SCHOOL**

**2. Entity Number: 39914 3. Rural/Urban: Rural**

**4. Student Count: 488 5. NSLP Students: 444 6. NSLP Students/Students: 90.983%**

**7. Discount: 90% 8. Weighted Product: 439.2**

**1. School Name: BILLINGSLEY SCHOOL**

**2. Entity Number: 39918 3. Rural/Urban: Rural**

**4. Student Count: 768 5. NSLP Students: 488 6. NSLP Students/Students: 63.641%**

**7. Discount: 80% 8. Weighted Product: 614.4**

**1. School Name: DANIEL PRATT ELEMENTARY SCHOOL**

**2. Entity Number: 39982 3. Rural/Urban: Urban**

**4. Student Count: 935 5. NSLP Students: 200 6. NSLP Students/Students: 21.380%**

**7. Discount: 50% 8. Weighted Product: 467.5**

**1. School Name: MARBURY SCHOOL**

**2. Entity Number: 39972 3. Rural/Urban: Urban**

**4. Student Count: 612 5. NSLP Students: 287 6. NSLP Students/Students: 46.895%**

**7. Discount: 60% 8. Weighted Product: 367.2**

**1. School Name: PINE LEVEL ELEMENTARY SCHOOL**

**2. Entity Number: 39985 3. Rural/Urban: Urban**

**4. Student Count: 678 5. NSLP Students: 303 6. NSLP Students/Students: 44.690%**

**7. Discount: 60% 8. Weighted Product: 406.8**

**1. School Name: PRATTVILLE ELEMENTARY SCHOOL**

**2. Entity Number: 39990 3. Rural/Urban: Urban**

**4. Student Count: 627 5. NSLP Students: 234 6. NSLP Students/Students: 37.320%**

**7. Discount: 60% 8. Weighted Product: 376.2**

**1. School Name: PRATTVILLE HIGH SCHOOL**

**2. Entity Number: 39995 3. Rural/Urban: Urban**

**4. Student Count: 1693 5. NSLP Students: 314 6. NSLP Students/Students: 18.545%**

**7. Discount: 40% 8. Weighted Product: 677.2**

**1. School Name: PRATTVILLE INTERMEDIATE SCHOOL**

**2. Entity Number: 39992 3. Rural/Urban: Urban**

**4. Student Count: 648 5. NSLP Students: 234 6. NSLP Students/Students: 36.111%**

**7. Discount: 60% 8. Weighted Product: 388.8**

**1. School Name: PRATTVILLE JUNIOR HIGH SCHOOL**

**2. Entity Number: 39986 3. Rural/Urban: Urban**

**4. Student Count: 1071 5. NSLP Students: 272 6. NSLP Students/Students: 25.396%**

**7. Discount: 50% 8. Weighted Product: 535.5**



■ School Name: PRATTVILLE KINDERGARTEN  
 2. Entity Number: 39989 3. Rural/Urban: Urban  
 4. Student Count: 433 5. NSLP Students: 168 6. NSLP Students/Students: 38.790%  
 7. Discount: 60% 8. Weighted Product: 259.8

1. School Name: PRATTVILLE PRIMARY SCHOOL  
 2. Entity Number: 39988 3. Rural/Urban: Urban  
 4. Student Count: 670 5. NSLP Students: 284 6. NSLP Students/Students: 42.388%  
 7. Discount: 60% 8. Weighted Product: 402

Worksheet A No: 484184 Student Count: 9154  
 Weighted Product (Sum. Column 8): 5200.1 Shared Discount: 57%

■ School Name: AUTAUGA COUNTY TECHNOLOGY CENTER  
 2. Entity Number: 39993 3. Rural/Urban: Urban  
 4. Student Count: 531 5. NSLP Students: 122 6. NSLP Students/Students: 22.975%  
 7. Discount: 50% 8. Weighted Product: 265.5

1. School Name: AUTAUGAVILLE HIGH SCHOOL  
 2. Entity Number: 39914 3. Rural/Urban: Rural  
 4. Student Count: 488 5. NSLP Students: 444 6. NSLP Students/Students: 90.983%  
 7. Discount: 90% 8. Weighted Product: 439.2

1. School Name: BILLINGSLEY SCHOOL  
 2. Entity Number: 39918 3. Rural/Urban: Rural  
 4. Student Count: 768 5. NSLP Students: 488 6. NSLP Students/Students: 63.541%  
 7. Discount: 80% 8. Weighted Product: 614.4

■ School Name: DANIEL PRATT ELEMENTARY SCHOOL  
 2. Entity Number: 39982 3. Rural/Urban: Urban  
 4. Student Count: 935 5. NSLP Students: 200 6. NSLP Students/Students: 21.390%  
 7. Discount: 50% 8. Weighted Product: 467.5

1. School Name: MARBURY SCHOOL  
 2. Entity Number: 39972 3. Rural/Urban: Urban  
 4. Student Count: 612 5. NSLP Students: 287 6. NSLP Students/Students: 46.895%  
 7. Discount: 60% 8. Weighted Product: 387.2

1. School Name: PINE LEVEL ELEMENTARY SCHOOL  
 2. Entity Number: 39985 3. Rural/Urban: Urban  
 4. Student Count: 678 5. NSLP Students: 303 6. NSLP Students/Students: 44.680%  
 7. Discount: 60% 8. Weighted Product: 406.8

1. School Name: PRATTVILLE ELEMENTARY SCHOOL  
 2. Entity Number: 39990 3. Rural/Urban: Urban  
 4. Student Count: 627 5. NSLP Students: 234 6. NSLP Students/Students: 37.320%  
 7. Discount: 60% 8. Weighted Product: 376.2

1. School Name: PRATTVILLE HIGHSCHOOL  
 2. Entity Number: 39995 3. Rural/Urban: Urban  
 4. Student Count: 1693 5. NSLP Students: 314 6. NSLP Students/Students: 18.546%  
 7. Discount: 40% 8. Weighted Product: 677.2

1. School Name: PRATTVILLE INTERMEDIATE SCHOOL  
 2. Entity Number: 39992 3. Rural/Urban: Urban

4. Student Count: 648 5. NSLP Studento: 234 6. NSLP Students/Students: 36.111%  
 7. Discount: 60% 8. Weighted Product: 388.8

1. School Name: PRATTVILLE JUNIOR HIGH SCHOOL  
 2. Entity Number: 39986 3. Rural/Urban: Urban  
 4. Student Count: 1071 5. NSLP Students: 272 6. NSLP Students/Students: 25.396%  
 7. Discount: 50% 8. Weighted Product: 535.5

1. School Name: PRATTVILLE KINDERGARTEN  
 2. Entity Number: 39989 3. Rural/Urban: Urban  
 4. Student Count: 433 5. NSLP Students: 188 6. NSLP Students/Students: 38.799%  
 7. Discount: 60% 8. Weighted Product: 250.8

1. School Name: PRATTVILLE PRIMARY SCHOOL  
 2. Entity Number: 39988 3. Rural/Urban: Urban  
 4. Student Count: 670 5. NSLP Students: 284 6. NSLP Students/Students: 42.388%  
 7. Discount: 60% 8. Weighted Product: 402

### Block 5: Discount Funding Request(s)

FRN: 1014120 FCDL Date: 07/14/2003	
11. Category of Service: Internet Access	12. 470 Application Number: 391180000427826
13. SPIN: 143005029	14. Service Provider Name: Contact Network DBA InLine Connections
15. Contract Number: N/A	16. Billing Account Number: 334-365-5706
17. Allowable Contract Date: 12/06/2002	18. Contract Award Date: 02/04/2003
19a. Service Start Date: 07/01/2003	19b. Service End Date:
20. Contract Expiration Date: 06/30/2006	
21. Attachment #: (A) RFP 03-3	22. Block 4 Worksheet No.: 484184
23a. Monthly Charges: \$11,160.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$11,160.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$133,920.00	
23f. Annual non-recurring (one-time) charges: 150000	23g. Ineligible non-recurring amt.: 0
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$150,000.00	
23i. Total program year pre-discount amount ( 23e + 23h): \$283,920.00	
23j. % discount (from Block 4): 57	
23k. Funding Commitment Request ( 23i x 23j): \$161,834.40	

### Block 6: Certifications and Signature

**24a. Schools: Y**

**24b. Libraries or Library Consortia: N**

**26a. Individual Technology Plan: Y**

**26b. Higher-Level Technology Plan(s): Y**

**26c. No Technology Plan Needed:**

**27a. Approved Technology Plan(s): Y**

**27b. State Approved Technology Plan: N**

**27c. No Technology Plan Needed:**



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## **EXHIBIT 6**



Universal Service Administrative Company  
Schools & Libraries Division

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FUNDING COMMITMENT DECISION LETTER

(Funding Year 2003: 07/01/2003 - 06/30/2004)

July 14, 2003

AUTAUGA COUNTY BOARD OF EDUCATION  
Nathan Turner  
153 W 4TH ST  
PRATTVILLE, AL 36067-3011

Re: Form 471 Application Number: 371493  
Funding Year 2003: 07/01/2003 - 06/30/2004  
Billed Entity Number: 121073  
Applicant's Form Identifier; yr 6 Internet

Thank you for your Funding Year 2003 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$161,834.40 is "Approved".

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

NEW FOR FUNDING YEAR 2003

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment

Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the Billed Entry Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division/USAC  
Vision Company

## A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

**FORM 471 APPLICATION NUMBER:** The unique identifier assigned to a Form 471 application by the SLD.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to Applicants and Service Providers the status of individual discount funding requests submitted on a Form 471.

**FUNDING STATUS:** Each FRN will have one of the following definitions:

1. An FRN that is "Funded" will be approved at the level that the SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

**SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.

**SPIN (Service provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the Universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

**EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT:** The first possible date for which the SLD will reimburse service providers for the discounts at the level of discount requested.

**CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES:** Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service provided in the funding year.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES:** Annual eligible non-recurring charges approved for the funding year.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 231, as determined through the application review process.

DISCOUNT PERCENTRGE APPROVED BY THE SLD; This is the discount rets that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse service providers for the approved discounts for this service for this funding year. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.



FUNDING COMMITMENT REPORT

Form 471 Application Number: 371493  
Funding Request Number: 1014120 Funding Status: Funded  
Services Ordered: Internet Access  
SPIN: 143005029 Service Provider Name: Contact Network DBA InLine Conn  
Contract Number: N/A  
Billing Account Number: 334-365-5706  
Earliest Possible Effective Date of Discount: 07/03/2003  
Contract Expiration Date: 06/30/2006  
Annual Pre-discount Amount for Eligible Recurring Charges: \$133,920.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$150,000.00  
Pre-discount Amount: 8283,920.00  
Discount Percentage Approved by the SLD: 57%  
Funding Commitment Decision: \$161,834.40 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: The dollars requested were reduced to remove cost of service to ineligible Location i.e., Transportation Department.

## IMPORTANT REMINDERS & DEADLINES

Date: Jul 14, 2003  
471 : 371893  
BEN : 128073

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

**FORM 486 DEADLINE** - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, you must indicate the SLD Certified Technology Approver who approved your plan and you must retain documentation of your monitoring of the progress toward your stated goals.

**CHILDREN'S INTERNET PROTECTION ACT (CIPA)** - If FY2003 is your Third Funding Year for the purposes of CIPA and you apply for Internet Access or Internal Connections, you must be in compliance with CIPA and cannot request a waiver. The Supreme Court may issue an opinion in July 2003 changing the CIPA requirements - watch the SLD web site.

**INVOICE DEADLINE** - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services have been delivered and billed, and (for BEAR Forms) the provider has been paid.

**OBLIGATION TO PAY NON-DISCOUNT PORTION** - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If you are using a trade-in as part of your non-discount portion, please refer to the SLD web site.

**RETAIN DOCUMENTATION** - Applicants and service providers must retain documentation, including but not limited to, documents showing:

- compliance with all applicable competitive bidding requirements,
- products and/or services delivered (e.g., customer bills detailing make, model and serial number),
- resources necessary to make effective use of E-rate discounts, including the purchase of equipment such as workstations not eligible for support,
- the specific location of each item of E-rate funded equipment, and
- the applicant has paid the non-discount portion.

These documents must be retained and available for review for 5 years.

**FREE SERVICES ADVISORY** - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information is posted to the Schools and Libraries Division (SLD) web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Information is also available by contacting the SLD Client Service Bureau by e-mail at [question@universalservice.org](mailto:question@universalservice.org), by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

## **EXHIBIT 7**

TERM OF SERVICE ORDER: The carrier services described in this Service Order shall be effective when the Service order is executed by the parties, with invoicing commencing said Installation Date. This Service Order shall continue through midnight three (3) years thereafter on June 31, 2006. At the end of the Initial Term, this Service Order shall automatically extend *for* one (1) year periods with either Party having the right to terminate the Agreement by giving Sixty (60)-days prior written notice to the other party. Notwithstanding any provision to the contrary, Customer shall have the right to terminate this Agreement if, through no fault of Customer, governmental authority (SLC) necessary for the installation or operation of any of the Equipment as permitted under this Agreement cannot be obtained, or is revoked. Customer shall be granted reasonable time after termination of this Agreement with which to remove any interconnection equipment.

CUSTOMER:

Autauga Co. Bd of Ed.

By: Larry Butler

Name: Larry Butler

Title: Superintendent

Date: April 1, 2003

INLINE:

InLine.

By: J. Gifford

Name: Jon Gifford

Title: VP Wireless Operations

Date: 4-1-03  
(Service Order Agreement Date)

## **EXHIBIT 8**



Universal Service Administrative Company  
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER  
(Funding Year 2004: 07/01/2004 - 06/30/2005)

December 3, 2004

Nathan Turner  
AUTAUGA COUNTY BOARD OF EDUCATION  
153 W 4TH ST  
PRATTVILLE, AL 36067-3011

Re: Form 471 Application Number: 419623  
Funding Year 2004: 07/01/2004 - 06/30/2005  
Billed Entity Number: 128073  
Applicant's Form Identifier: Yr 7 Internet

Thank you for your Funding Year 2004 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$76,334.40 is "Approved."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service providers) or Form 472 (Billed Entity)

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the



Form 471 Application Number, and the Billed Entity Number from the top of your letter.

3. When explaining your appeal, copy the language or text from the Funding Commitment Report that is at the heart of your appeal, to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, sent to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company



### A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

**FORM 471 APPLICATION NUMBER:** The unique identifier assigned to a Form 471 application by the SLD.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

**FUNDING STATUS:** Each FRN will have one of the following definitions:

1. An FRN that is "Funded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the Funding Commitment Decision Explanation. An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this funding year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connection requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

**SERVICES ORDERED:** The type of service ordered from the service provider, as shown on your Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

**SERVICE START DATE:** The date services were reported to start for this FRN on your Form 471.

**CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on your Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES:** Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES:** Annual eligible non-recurring charges approved for the funding year.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 23i, as determined through the application review process.



**DISCOUNT PERCENTAGE APPROVED BY THE SLD:** The discount rate that the SLD has approved for this service.

**FUNDING COMMITMENT DECISION:** This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

**FUNDING COMMITMENT DECISION EXPLANATION:** This entry provides an explanation of the amount in the "Funding Commitment Decision."



# FUNDING COMMITMENT REPORT

Form 471 Application Number: 419623  
Funding Request Number: 1159323 Funding Status: Funded  
Services Ordered: Internet Access  
SPIN: 143005029 Service Provider Name: CONTACT NETWORK, INC.  
Contract Number: N/A  
Billing Account Number: 334-365-5706  
Service Start Date: 07/01/2004  
Contract Expiration Date: 06/30/2006  
Annual Pre-discount Amount for Eligible Recurring Charges: \$133,920.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$ 0.00  
Pre-discount Amount: \$133,920.00  
Discount Percentage Approved by the SLD: 57%  
Funding Commitment Decision: \$76,334.40 - FRN approved as submitted

## **EXHIBIT 9**





**Universal Service Administrative Company**  
Schools & Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2005: 07/01/2005 - 06/30/2006)

June 27, 2005

Nathan Turner  
AUTAUGA COUNTY BOARD OF EDUCATION  
153 W 4TH ST  
PRATTVILLE, AL 36067-3011

Re: Form 471 Application Number: 469801  
Funding Year 2005: 07/01/2005 - 06/30/2006  
Billed Entity Number: 128073  
Billed Entity FCC RN: 11672599  
Applicant's Form Identifier: 0506Intern

Thank you for your Funding Year 2005 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$89,994.24 is "Approved."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

**FUNDING COMMITMENT REPORT**

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (FRNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

**TO APPEAL THIS DECISION:**

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,

- Applicant BEN and service provider SPIN,
- Form 471 Application Number as assigned by the SLD,
- "Funding Commitment Decision Letter for Funding Year 2005," AND
- The exact text of the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by the SLD's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on our web site at [www.sl.universalservice.org](http://www.sl.universalservice.org). Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division  
 Box 125 - Correspondence Unit  
 80 South Jefferson Road  
 Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use either the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the Universal Service Administrative Company (USAC) and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
 Universal Service Administrative Company



## A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

**FORM 471 APPLICATION NUMBER:** The unique identifier assigned to a Form 471 application by the SLD.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

**FUNDING STATUS:** Each FRN will have one of the following definitions:

1. An FRN that is "Funded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connections requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

**CATEGORY OF SERVICE:** The type of service ordered from the service provider, as shown on your Form 471.

**FORM 470 APPLICATION NUMBER:** The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

**SERVICE START DATE:** The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

**CONTRACT EXPIRATION DATE:** The Contract Expiration Date for this FRN from Block 5, Item 206 of your Form 471. This will be present only if a contract expiration date was provided on your Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

**NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR:** The number of months of service that has been approved in the funding year. This will be present only for recurring services.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES:** Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

**ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES:** Annual eligible non-recurring charges approved for the funding year.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

**DISCOUNT PERCENTAGE APPROVED BY THE SLD:** The discount rate that the SLD has approved for this service.

**FUNDING COMMITMENT DECISION:** This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

**FUNDING COMMITMENT DECISION EXPLANATION:** This entry provides an explanation of the amount in the "Funding Commitment Decision."

**FCDL DATE:** The date of this Funding Commitment Decision Letter (FCDL).

**WAVE NUMBER:** The wave number assigned to FCDLs issued on this date.



FUNDING COMMITMENT REPORT  
Billed Entity Name: AUTAUGA COUNTY BOARD OF EDUCATION  
BEN: 128073  
Funding Year: 2005

Form 471 Application Number: 469801  
Funding Request Number: 1294050  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 391180000  
SPIN: 143005029  
Service Provider Name: CONTACT NETWORK, INC.  
Contract Number: N/A  
Billing Account Number: 3343655706  
Service Start Date: 07/01/2005  
Contract Expiration Date: 06/30/2006  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$142,848.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$142,848.00  
Discount Percentage Approved by the SLD: 63%  
Funding Commitment Decision: \$89,994.24 - FRN approved as submitted  
FCDL Date: 06/27/2005  
Wave Number: 001



## **EXHIBIT 10**

FCC Form 471	Do not write in this area:	Approval by OI 3060-06
<b>Schools and Libraries Universal Service</b> <b>Description of Services Ordered and Certification Form 471</b> Estimated Average Burden Hours per Response: 4 hours This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services. Please read instructions before beginning this application. (You can also file online at <a href="http://www.sl.universalservice.org">www.sl.universalservice.org</a> .) The instructions include information on the deadlines for filing this application.		
Applicant's Form Identifier (Create your own code to identify THIS form 471)		Form 471 Application# (To be assigned by administrator)
0607Inter		502044
<b>Block 1: Billed Entity Information</b> (The "Billed Entity" is the entity paying the bills for the service listed on this form.)		
Name of Billed Entity: AUTAUGA COUNTY BOARD OF EDUCATION		
2 a	Funding Year: July 1, 2008 Through June 30: 2007	Billed Entity Number: 128073
4 a	Street Address, P.O. Box, or Routing Number: 153 W 4TH ST	
	City: PRATTVILLE	
	State: AL	Zip Code: 36067 3011
5 a	Type of Application: <div style="margin-left: 20px;"> <input type="checkbox"/> Individual School (individual public or non-public school)  <input checked="" type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)  <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA)  <input type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities         </div>	
6	Contact Person's Name: Nathan Turner	
First, if the Contact Person's Street Address is the same as in Item 4, check this box: <input checked="" type="checkbox"/> If not, please complete the entries for the Street Address below.		
b	Street Address, P.O. Box, or Routing Number: 153 W 4TH ST	
	City: PRATTVILLE	
	State: AL	Zip Code: 36087 3011



Entity Number	128073	Applicant's Form Identifier	0607Inter
Contact Person	Nathan Turner	Phone Number	334-385-5706

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.  
 Schools/school districts complete item 7. Libraries complete item 8. Consortia complete item 7 and/or item 8.

**Block 2: Impact of Services Ordered on Schools**

IF THIS APPLICATION INCLUDES SCHOOLS...	BEFORE ORDER    AFTER ORDER
---	-----------------------------

7a	Number of students to be served		9505
d	Direct broadband services: Number of buildings <i>served</i> at the following speeds: Between 10 mbps and 200 mbps	16	18
e	Direct connections to the Internet: Number of dmps	1700	2000
f	Number of classrooms with Internet access	350	380
g	Number of computers or other devices with Internet access	2200	2800

## Block 3: Impact of Services Ordered on Libraries

NOT APPLICABLE AS THIS APPLICATION IS FOR DISTRICT

Worksheet A No: 739251      Student Count: 10291  
 Weighted Product (Sum, Column 8): 5942.2      Shared Discount: 58%

1. School Name: AUTAUGA COUNTY ALTERNATIVE SCHOOL  
 2. Entity Number: 16024308 NCES 01 00240 00581  
 3. Rural/Urban: Urban  
 4. Student Count: 47      5. NSLP Students: 32      6. NSLP Students/Students: 68.085%  
 7. Discount: 80%      8. Weighted Product: 37.6  
 9. Pre-K/Adult Ed/Juv: N      10. Alt Disc Mech: N

1. School Name: COUNTY TECHNOLOGY CENTER  
 2. Entity Number: 39993 NCES: 01 001 0000  
 3. Rural/Urban: Urban  
 4. Student Count: 793      5. NSLP Students: 212      6. NSLP Students/Students: 26.733%  
 7. Discount: 50%      8. Weighted Product: 398.5  
 9. Pre-K/Adult Ed/Juv: N      10. Alt Disc Mech: N

1. School Name: AUTAUGAVILLE HIGH SCHOOL  
 2. Entity Number: 39914 NCES: 01 00240 01408  
 3. Rural/Urban: Urban  
 4. Student Count: 425      5. NSLP Students: 367      6. NSLP Students/Students: 86.352%  
 7. Discount: 90%      8. Weighted Product: 382.5  
 9. Pre-K/Adult Ed/Juv: N      10. Alt Disc Mech: N

1. School Name: BILLINGSLEY SCHOOL  
 2. Entity Number: 39918 NCES 01 00240 00046  
 3. Rural/Urban: Urban  
 4. Student Count: 750      5. NSLP Students: 456      6. NSLP Students/Students: 80.800%  
 7. Discount: 80%      8. Weighted Product: 600  
 9. Pre-K/Adult Ed/Juv: N      10. Alt Disc Mech: N

1. School Name: DANIEL PRATT ELEMENTARY SCHOOL  
 2. Entity Number: 39982 NCES 01 00240 000546  
 3. Rural/Urban: Urban  
 4. Student Count: 1124      5. NSLP Students: 278      6. NSLP Students/Students: 24.733%  
 7. Discount: 50%      8. Weighted Product: 562  
 9. Pre-K/Adult Ed/Juv: N      10. Alt Disc Mech: N

1. School Name: MARBURY SCHOOL  
 2. Entity Number: 39972 NCES 01 00240 00046  
 3. Rural/Urban: Urban  
 4. Student Count: 521      5. NSLP Students: 221      6. NSLP Students/Students: 42.418%  
 7. Discount: 60%      8. Weighted Product: 312.6

9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PINE LEVEL ELEMENTARY SCHOOL  
 2. Entity Number: 39985 NCES 01 00240 00064  
 3. Rural/Urban: Urban  
 4. Student Count: 990 5. NSLP Students: 469 6. NSLP Students/Students: 47.373%  
 7. Discount: 60% 8. Weighted Product: 594  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PRATTVILLE ELEMENTARY SCHOOL  
 2. Entity Number: 39990 NCES: 01 00240 00047  
 3. Rural/Urban: Urban  
 4. Student Count: 576 5. NSLP Students: 256 6. NSLP Students/Students: 44.444%  
 7. Discount: 80% 8. Weighted Product: 345.8  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PRATTVILLE HIGH SCHOOL  
 2. Entity Number: 39995 NCES 01 00240 00048  
 3. Rural/Urban: Urban  
 4. Student Count: 2109 5. NSLP Students: 490 6. NSLP Students/Students: 23.233%  
 7. Discount: 50% 8. Weighted Product: 1054.5  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PRATTVILLE INTERMEDIATE SCHOOL  
 2. Entity Number: 39992 NCES: 01 00240 00050  
 3. Rural/Urban: Urban  
 4. Student Count: 683 5. NSLP Students: 297 6. NSLP Students/Students: 43.484%  
 7. Discount: 60% 8. Weighted Product: 409.8  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PRATTVILLE JUNIOR HIGH SCHOOL  
 2. Entity Number: 39986 NCES: 01 00240 00049  
 3. Rural/Urban: Urban  
 4. Student Count: 1167 5. NSLP Students: 347 6. NSLP Students/Students: 29.734%  
 7. Discount: 50% 8. Weighted Product: 583.5  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PRATTVILLE KINDERGARTEN  
 2. Entity Number: 39989 NCES: 01 00240 01639  
 3. Rural/Urban: Urban  
 4. Student Count: 451 5. NSLP Students: 159 6. NSLP Students/Students: 35.254%  
 7. Discount: 60% 8. Weighted Product: 270.6  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

1. School Name: PRATTVILLE PRIMARY SCHOOL  
 2. Entity Number: 39988 NCES 01 00240 00051  
 3. Rural/Urban: Urban  
 4. Student Count: 655 5. NSLP Students: 306 6. NSLP Students/Students: 46.717%  
 7. Discount: 60% 8. Weighted Product: 393  
 9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

### Block 5 Discount Funding Request(s)

FRN: 1383359 FCDL Date: 01/23/2007	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 391180000427826
13. SPIN: 143005029	14. Service Provider Name: CONTACT NETWORK, INC.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: N/A

15c. Covered under State Master Contract:	15d. FRN from Previous Year: 1169323
16a. Billing Account Number: 3343655706	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 12/06/2002	18. Contract Award Date: 11/15/2005
19a. Service Start Date: 07/01/2008	19b. Service End Date:
20. Contract Expiration Date: 06/30/2008	
21. Attachment #: A	22. Block 4 Worksheet No.: 739251
23a. Monthly Charges: \$11,940.00	23b. Ineligible monthly amt.: \$0.00
23c. Eligible monthly amt.: \$11,940.00	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges ( 23c x 23d): \$143,280.00	
23f. Annual non-recurring (one-time) charges: 0	
23g. Ineligible non-recurring amt.: 0	
23h. Annual pre-discount amount for eligible non-recurring charges ( 23f - 23g): \$0.00	
23i. Total program year pre-discount amount ( 23e + 23h): \$143,280.00	
23j. % discount (from Block 4): 58	
23k. Funding Commitment Request ( 23i x 23j): \$83,102.40	

## Block 6: Certifications and Signature

Application ID: 502044

Do not write in this area.

Entity Number	128073	Applicant's Form Identifier	0607Inter
Contact Person	Nathan Turner	Phone Number	334-365-5706

## Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ schools under (the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(16) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or me entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources and pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from item 23i on all Block 5 Discount Funding Requests.)	\$143,280.00
b.	Total funding commitment request amount on this Form 471 (Add the entities from items 23k on all Block 5 Discount Funding Requests.)	\$83,102.40
c.	Total applicant non-discount share (Subtract item 25b from item 25a.)	\$60,177.60
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$11,135.12
e.	Total amount necessary for me applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add items 25c and 25d.)	\$71,312.72

- f. ☐ Check this box if you are receiving any of the funds in Item 25a directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25a.
3. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☒ an individual technology plan for using the services requested in this application; and/or
  - b. ☒ higher-level technology plan(s) for using the services requested in this application; or
  - c. ☐ no technology plan needed: applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
7. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



1. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local, inter/competitive bidding rules and that the entity or entities listed on this application have complied with them.
1. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
1. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
1. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
1. ☒ I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
1. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity (ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving this support pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(h), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
1. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
1. ☒ I certify that if any of the funding requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).

36. I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission's requirements, that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/15/06

The Americans with Disabilities Act, the Individuals with Disabilities Education Act, the Rehabilitation Act, and the Architectural Barriers Act may impose obligations on entities to make the facilities accessible to people with disabilities.

Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services to file this form with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data is used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An entity is not required to respond to this collection of information unless it displays a currently valid OMB control number.

The information collected under the Freedom of Information Act, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies, or to your creditors to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also disclose the information to the agencies through the mail.

If you do not provide the information requested on this form, the FCC may delay processing of your application or may return your application without action.

The information collected is required by the Department of Education Act of 1995, Pub. L. No. 104-190, 44 U.S.C. § 3506(c)(2)(A).

The burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing existing data sources, gathering the data needed, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Paperwork Project, Enforcement and Compliance Management, Washington, DC 20554.

Please submit this form to:

SLD Forms  
P.O. Box 7026  
Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms

**ATTN: SLD Form 4Y1**  
**3833 Greenway Drive**  
**Lawrence, Kansas 66046**  
**(888) 203-8100**

*Print*

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## **EXHIBIT 11**

Applicant (BEN)	AUTAUGA COUNTY BOARD OF EDUCATION (128073)	Status	NOT FUNDED	Disbursed. Amount	\$0.00
Service Provider (SPIN)	CONTACT NETWORK, INC. (143005029)	Discount Percentage Requested	58%	Balance Amount	\$0.00
Service Category	INTERNET ACCESS	Amount	\$85,968.00	Location	13 sites
Funding Year	2006	Funding Commitment	\$0.00	FRN	1383359

**Details Request Information SLD Transactions NCES Item 25 Sites**

FCDL Date	01/23/2007	Form 471 Number	502044
Form 471 Service Start Date	07/01/2006	Form 471 Status	CERTIFIED
Approved 486 Service Start Date		Form 470 Number	391180000427826
486 Acceptance Date		Form 470 Status	CERTIFIED
Contract Expiration Date	06/30/2008	SLD Explanation	Your explanation of the time lapse between the posting date of the referenced 470 and the contract award date (CAD) failed to assure SLD that you conducted a fair and competitive process and chose the most cost-effective offering with price the primary factor.
Last Date to Invoice	10/29/2007		
Applicant Address	153 W 4TH ST PRATTVILLE, AL 36067	Payment Method Established	NOT SET
		Wave	040
		Appeal Wave	

Last updated on Monday, April 30th, 2007 at 03:45:04 AM CST

## **EXHIBIT 12**



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2006-2007**

April 05,2007

Nathan Turner  
Autauga County Board of Education  
153 West Fourth Street  
Prattville, AL 36067-3011

Re: Applicant Name:	AUTAUGA COUNTY BOARD OF EDUCATION
Billed Entity Number:	128073
Form 471 Application Number:	502044
Funding Request Number(s):	1383359
Decision Letter Date:	January 23,2007
Date Appeal Postmarked:	March 27,2007
Your Correspondence Received:	March 30,2007

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company

## **EXHIBIT 13**

FCC Form

Approval by OMB  
3060-0806

470

## Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Federal Communications Commission's website and made available to the public as a potential resource for providers and other interested parties.

Please read

(To be completed by entity that will negotiate with providers.)

### Block 1 Applicant Address and Identifications

Form 470 Application Number: 191160000607672

Applicant's Form Identifier: Inter0708

Application Status: CERTIFIED

Posting Date: 12/15/2006

Allowable Contract Date: 01/12/2007

Certification Received Date: 12/15/2006

## 1. Name of Applicant:

AUTAUGA COUNTY BOARD OF EDUCATION

## 2. Funding Year:

07/01/2007 - 06/30/2008

## 3. Your Entity Number

128073

## 4a. Applicant's Street Address, P.O.Box, or Route Number

153 W 4TH ST

## City

PRATTVILLE

## State

AL

## Zip Code

38067-3011

## b. Telephone number

(334) 365- 5706

## c. Fax number

(334) 361- 3828

## 5. Type Of Applicant

☒ Individual School (individual public or non-public school)☐ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

## 6a. Contact Person's Name: Nathan Turner

First, if the Contact Person's Street Address is the same as in Item 4 above, check this box. If not, please complete the entries for the Street Address below.

## 6b. Street Address, P.O.Box, or Route Number

153 W 4TH ST

## City

## State

## Zip Code

PRATTVILLE

AL

36067-3011

Check the box next to your preferred mode of contact and provide your contact information. One box **MUST** be checked and an entry provided.

☒ 6c. Telephone Number (334) 365- 5706

☒ 6d. Fax Number (334) 361- 3828

☒ 6e. E-mail Address nathan@autaugacountyschool.org

## Block 2: Summary Description of Needs or Services Requested

### 7 This Form 470 describes (check all that apply):

a. ☒ Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.

b. ☒ Services for which a new written contract is sought for the funding year in Item 2.

Check if you are seeking ☒ a multi-year contract and/or ☒ a contract featuring voluntary extensions

c. ☒ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.

**NOTE:** Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.

**What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.**

### 8 ☒ Telecommunications Services

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking?** If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.

a. ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at at or via (check one):

☒ the Contact Person in Item 6 or ☒ the contact listed in Item 12.

b. ☒ NO, I have not released and do not intend to ☐ RFP for these services.

Whether you check YES or NO, you must list below the ☒ telecomm ☐ you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

c. ☒ Check this box if you prefer discounts on your bill.

☒ Check this box if you prefer reimbursement after paying your bill in full.

☒ Check this box if you do not have a preference.

### 9 ☒ Internet Access

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking?** If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have

**and RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☐ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.**

**c** ☒ Check this box if you prefer discounts on your bill.

☐ Check this box if you prefer reimbursement after paying your bill in full.

☐ Check this box if you do not have a preference.

**Service or Function:**

**Quantity and/or Capacity:**

Internet acces for 10,000 users

Expand Internet capacity from 4.5meg to 10meg and use existing routing

**10 Internal Connections Other than Basic Maintenance**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☐ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.**

**c** ☒ Check this box if you prefer discounts on your bill.

☐ Check this box if you prefer reimbursement after paying your bill in full.

☐ Check this box if you do not have a preference.

**11 Basic Maintenance of Internal Connections**

**Do you have a Request for Proposal (RFP) that specifies the services you are seeking? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have and RFP, you risk denial of your funding requests.**

**a** ☒ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):  
☒ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

**b** ☐ **NO**, I have not released and do not intend to release an RFP for these services.

**Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at [www.sl.universalservice.org](http://www.sl.universalservice.org) for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these**



services under the universal service support mechanism. Attach additional lines if needed.

☐ Check this box if you prefer discounts on your bill.

☐ Check this box if you prefer reimbursement after paying your bill in full.

☐ Check this box if you do not have a preference.

**12 (Optional)** Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name:

Title:

Telephone number

() -

Fax number

() -

E-mail Address

**13a.** ☐ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or a Web address where they are posted and provide a contact name and telephone number.

<http://www.purchasing.state.al.us/codeofala.htm>

☐ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

**13b.** If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here.

**Increase bandwidth as growth dictates**

### Block 3: Technology Resources

**14.** ☐ **Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

**15.** Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is **ONLY** for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required ☐ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☐ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☐ are being sought.

e. Staff development: ☐ all staff have had an appropriate level of training/additional training has already been

scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

#### Block 4: Recipients of Service

#### 16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item 16a, 16b or 16c) that best describes this application and the eligible entities that will receive the services described in this application. You will *then* list in Item 17 the entity/entities that will pay the bills for these services.

a. ☒ Individual school or single-site library.

b. ☒ Statewide application for (enter 2-letter state code) representing (check all that apply):

☒ All public schools/districts in the state;

☒ All non-public schools in the state;

☒ All libraries in the state;

If your statewide application includes **INELIGIBLE** entities, check here. ☒ If checked, complete Item 18.

c. ☒ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	14
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
205	755
334	358, 361, 365

#### 17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity	Entity Number
AUTAUCA COUNTY BOARD OF EDUC	128073

#### 18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity

Area Code

Prefix

## Block 5: Certification and Signature

19. ☒ I certify that the applicant includes: (Check one or both.)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7081(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. ☒ individual technology plans for using the services requested in the application, and/or
- b. ☒ higher-level technology plans for using the services requested in the application, or
- c. ☒ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the status and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.


23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity (ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to

suspension and debarment ~~from~~the program.

27. Signature of authorized person: 

28. Date (mm/dd/yyyy): 12/15/2006

29. Printed name of authorized person: Nathan Turner

30. Title or position of authorized person: Communication System Specialist

31a. Address of authorized person: 153 West 4th Street  
City: PRATTVILLE State: AL Zip: 36067

31b. Telephone number of authorized person: (334) 850 - 1076

31c. Fax number of authorized person: (334) 3582558

31d. E-mail address number of authorized person: nathan@autaugacountyschool.org

31e. Name of authorized person's employer: Autauga County Board of Education

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at [www.sl.universalservice.org](http://www.sl.universalservice.org) or call the Client Service Bureau at 1-888-203-8100.

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470

**P.O. Box 7026  
Lawrence, Kansas 66044-7026  
1-888-203-8100**

**For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:  
SLD Forms**

**ATM: SLD Form 470  
3833 Greenway Drive  
Lawrence, Kansas 66046  
1-888-203-8100**

FCC Form 470  
November 2004

**New Search**

**Return To Search Results**